



Memorandum

TO: CITY COUNCIL

FROM: Mayor Chuck Reed
Councilmember Sam Liccardo
Councilmember Rose Herrera

SUBJECT: SEE BELOW

DATE: November 14, 2014

Approved

Date

11/14/14

**SUBJECT: GENERAL PLAN TEXT AMENDMENT TO REQUIRE
PRE-CONSTRUCTION SURVEYS FOR MIGRATORY BIRDS**

RECOMMENDATION

Approve staff recommendation for a text amendment to protect migratory birds modified to read as follows:

- ER-5.2 Require that development projects incorporate measures to avoid impacts to nesting migratory birds. Should a project propose to prune or remove trees during the nesting season, a pre-construction survey for migratory birds will be required, if the site is determined to be migratory bird habitat. A qualified biologist will conduct pre-construction surveys for nesting birds in the trees to be pruned or removed. The pre-construction surveys will occur within a 14 day period of time prior to the onset of construction. If active nests are located, these trees and a buffer around them as determined by the biologist in accordance with accepted protocols will remain off limits to pruning or removal until the nestling/chicks have fledged and are no longer dependent on the nest.

BACKGROUND

This City Council has implemented several CEQA streamlining efforts in the past with an interest to pursue both economic development and environmental goals. That was the basis of our adoption of the Habitat Conservation Plan.

We need a balanced approach to protect migratory birds and our economic development objectives.

We should not preclude construction for 7 months of the year. We should not require pre-construction surveys if a development site is not a habitat for migratory birds. And we should not set up a review process that changes the rules on a case-by-case basis.